

Below is the Order of the Court.



Paul B. Snyder

Paul B. Snyder
U.S. Bankruptcy Judge

(Dated as of Entered on Docket date above)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

In re:

Kenneth Dean Ollmann
Barbara Annette Ollmann,

Debtors.

Kenneth Dean Ollmann
Barbara Annette Ollmann,

Plaintiffs,

v.

Wells Fargo Bank, N.A.,

Defendants.

Adversary Case No. 14-04199-PBS
Case No. 14-40588-PBS

ORDER APPROVING STIPULATION ON
ADVERSARY COMPLAINT SEEKING TO
AVOID LIEN

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File No. WA-14-97249

Order and Judgment, Case No. 14-40588-PBS

Adversary Case No. 14-04199-PBS

1 This matter having come before the court on the Stipulation of the Parties. Based upon
2 the record on file, the Stipulation, and the representations made to the court, IT IS HEREBY
3 ORDERED:

- 4 1. Defendant's claim shall be allowed as a non-priority general unsecured claim and
5 shall be paid as such in accordance with the Debtors' Chapter 13 Plan.
- 6 2. The avoidance of Defendant's second lien is contingent upon the Debtor's completion
7 of the Chapter 13 plan and the Debtor's receipt of a Chapter 13 discharge.
- 8 3. Defendant shall retain its lien for the full amount due under the subject loan should
9 the subject property be sold, or should a refinance take place prior to the Chapter 13
10 plan completion and entry of a Discharge.
- 11 4. Defendant shall retain its lien for the full amount due under the subject loan in the
12 event of either dismissal of the Debtors' Chapter 13 case or the conversion of the to
13 any other Chapter under the United States Bankruptcy Code.
- 14 5. In the event that any entity, including the holder of the first lien on the Subject
15 Property forecloses on its security interest and extinguishes Creditor's lien prior to the
16 Debtors' completion of the Chapter 13 plan, Defendant's lien shall attach to the
17 surplus proceeds of the foreclosure sale for the full amount of the subject loan balance
18 at the time of the sale.
- 19 6. Upon successful completion of the Chapter 13, Case # 14-40588, Defendant shall file
20 all necessary papers with the county auditor releasing any and all interest in the
21 above-described property. If the Defendant fails to record all necessary papers with
22 the auditor, this Order will stand to satisfy the removal of said lien without further
23 order of the court.
- 24 7. In the event that the property is destroyed or damaged, pursuant to the mortgage,
25 Defendant is entitled to its full rights as a loss payee with respect to the insurance
26 proceeds and has a security interest in such proceeds up to the entire balance due on
27 the mortgage.

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1 8. Each party shall bear their own attorney's fees and costs incurred in the present case
2 number.

3 ///END OF ORDER///

4 Presented by:

5 /s/ Angela M. Michael

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7 Angela M. Michael, Esq.
8 Attorney for Defendant

9 /s/ David A Yando

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11 David A Yando, Esq.
12 Attorney for Plaintiffs